

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
NORTHERN DIVISION

<p>DUANE MORLEY COX</p> <p>Plaintiff,</p> <p>vs.</p> <p>UTAH DIVISION OF WATER RIGHTS, and KENT L JONES, P.E. (in his official capacity),</p> <p>Defendants</p>	<p>ORDER ADOPTING REPORT & RECOMMENDATION</p> <p>Case No. 1:10-CV-194 Judge Dee Benson</p>
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Before the court is the Report and Recommendation issued by United States Magistrate Judge Brooke Wells on February 23, 2011, recommending that Defendants' Motion to Dismiss be granted, and that Plaintiff's Motion for Order to Clarify Petitioner's Rights (Dkt. No. 9), and Plaintiff's Motion to Strike Defendants' Motion to Dismiss (Dkt. No. 11) be denied or deemed moot. (Dkt. No. 18.)

The parties were notified of their right to file objections to the Report and Recommendation within fourteen (14) days after receiving it. On March 7, 2011, the Plaintiff filed a document titled "Objection to Report and Recommendation and Motion for Withdrawal of Complaint." (Dkt. Nos. 19 & 20.)

Having reviewed all relevant materials, including Plaintiff's *pro se* objection, motion and

supporting memorandum, the record that was before the magistrate judge, and the reasoning set forth in the magistrate judge's Report and Recommendation, the court agrees with the analysis and conclusion of the magistrate judge.

Accordingly, the court ADOPTS the Report and Recommendation and issues the following Order. Defendants' Motion to Dismiss is GRANTED. Plaintiff's Motion to Strike Defendants' Motion to Dismiss is DENIED and Plaintiff's Motion for Order to Clarify Petitioner's Rights is DENIED.

DATED this 16th day of March, 2011.

A handwritten signature in black ink, reading "Dee Benson". The signature is written in a cursive, flowing style. The first name "Dee" is written with a large, stylized 'D' that loops around the 'e'. The last name "Benson" is written in a more standard cursive script. The signature is positioned above a horizontal line.

Dee Benson
United States District Judge